

REMARKS

The Examiner rejected claims 1-3 and 6-12 under 35 USC 112 second paragraph as being indefinite for failing to provide a proper antecedent basis for the term "the group". The Applicant strenuously traverses this rejection and seeks reconsideration. The language of this claim as amended is standard claim language wherein a particular element is taken from the group of a listing of elements. "The Group" term in such scenarios does not require an antecedent basis. The Applicant has amended claim 1 such that it sounds more traditional and seeks reconsideration.

The Examiner rejected claim 1-3 and 6-12 under 35 USC 103(a) as being unpatentable over Samukawa (2002/0003489) in view of Wolfe (20050228551). The Applicant again traverses this rejection and seeks reconsideration. Samukawa simply teaches a video system for evaluating oncoming vehicles and adjusting brakes or throttle in response. Wolfe in an even more unsimilar fashion teaches a device for testing airline pilot landing strip vision systems. These fail to teach the underlying limitations specifically claimed within the present application and bear no relation to the application or claims at hand.

Using vision to recognize an on coming vehicle does not teach, does not suggest, and is in no way similar to the claimed " detecting a vehicle information signal from an off-board vehicle setting update device". An oncoming vehicle is no an off-board vehicle setting update device". An oncoming vehicle is not "a vehicle information signal" as defined within the specification. Furthermore, an

on-coming vehicle is not an " off-board vehicle setting update system". And temporary altering the brakes or throttle is not the equivalent of altering a vehicle setting as defined by the specification and claims. A vehicle setting is as defined in the industry as a temporary permanent setting that remains constant but may be altered by the automotive company or consumer. The position of a brake pedal or throttle during automated speed adjustment is not a vehicle setting as the term is used in the art. Finally, the Applicant traverses the assertion that Wolfe adds anything to Samukawa. Wolf teaches evaluating a vision system prior to installation. It does NOT teach updating a vehicle under production as claimed in the present application. Therefore, the deficiencies in Samukawa and Wolfe cannot be utilized together to impede patentability of the claims as they stand. Reconsideration is formally requested.

Having overcome all of the objections and rejections set forth in the Office Action, Applicants submit that claims 1-3 and 5-12 are in a condition for allowance. A Notice of Allowance indicating the same is therefore earnestly solicited. The Examiner is invited to telephone the Applicants' undersigned attorney at (248) 433-7200 if any unresolved matters remain.

DICKINSON WRIGHT PLLC

By:


Thomas E. Donohue

Registration No. 44,660

38525 Woodward Avenue, Suite 2000

West Bloomfield, MI 48304-5092

(248) 433-7200

Dated: February 29, 2008